

UNITED STATES DISTRICT COURT
for
Western District of Texas

Report on Offender Under Supervision

Name of Offender: James Aaron Zuniga

Case Number: A-11-CR-142(1)SS

Name of Sentencing Judicial Officer: Honorable Sam Sparks Sr. U.S. District Judge

Date of Original Sentence: August 16, 2011

Original Offense: Ct. 1: Possession with Intent to Distribute 500 grams or more of Cocaine, in violation of 21 U.S.C. 841 §§ (a)(1) & (b)(1)(B) and Ct. 2: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1)

Original Sentence: 100 months' custody in the Bureau of Prisons on Counts 1 and 2 to be served concurrently, four (4) years of supervised release on Count 1 and three (3) years of supervised release on Count 2 to be served concurrently; with the following special conditions: drug and mental health treatment; abstain from the use of alcohol and all other intoxicants; take all medication as prescribed; financial disclosure; and \$200 special assessment (paid in full).

Type of Supervision: Supervised Release Date Supervision Commenced: September 1, 2017

Assistant U.S. Attorney: Jennifer S. Freel Defense Attorney: Guillermo Jose Gonzalez- retained

PREVIOUS COURT ACTION

On June 1, 2015, the defendant's sentence was reduced from 100 month's custody to 84 months' custody as to both counts to run concurrently, pursuant to 18 U.S.C. § 3582(c)(2).

NONCOMPLIANCE SUMMARY

Violation of Mandatory Condition No. 1: "The defendant shall not commit another federal, state, or local crime."

Violation of Standard Condition No. 7: "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician."

Nature of Non-compliance: On March 22, 2020, Zuniga was arrested by the Buda, Texas Police Department and charged with Driving While Intoxicated 3rd - felony. The affidavit of arrest indicates Zuniga was observed in his vehicle at 3am stopped at an intersection. When the officer approached Zuniga, the defendant appeared to be asleep on the driver's side, with the vehicle in park and running. Zuniga emanated an odor of alcohol and exhibited slurred speech and general confusion. He refused field sobriety tests. He was taken into custody and was subsequently released on bond. The case remains pending in Hays County Court.

U.S. Probation Officer Action: The defendant is currently on bond and is required by Hays County Pretrial Services to utilize a breathalyzer. Considering the current situation with COVID 19 he will not be referred to counseling at this time but has been given a Cognitive Behavioral Self Study workbook to complete and discuss with the probation officer. It was respectfully recommended no action be taken to allow the State Court to dispose of the case. Zuniga has advised he plans to plead not guilty. Any further violations will be reported to the Court.

Respectfully submitted,

Laura W. Howard
United States Probation Officer
Date: 3/30/2020

Approved: _____
Hector Garcia, Supervising
United States Probation Officer

THE COURT ORDERS:

- ☒ No Action
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Honorable Susan Hightower
United States Magistrate Judge

Date: March 30, 2020

The Court is to be advised immediately of any further alcohol use by Defendant.